UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

HACKLEY VISITING NURSE SERVICES AND HOSPICE, INC.

Employer

and

Case 7-RC-23277

MICHIGAN NURSES ASSOCIATION
Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board¹ has considered objections to an election conducted on July 10, 2009, and the Acting Regional Director's report recommending disposition of them.

The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 26 for and 23 against Petitioner.

E.C.

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See Snell Island SNF LLC v. NLRB, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. September 11, 2009) (No. 09-328); New Process Steel v. NLRB, 564 F.3d 840 (7th Cir. 2009), petition for cert. filed 77 U.S.L.W. 3670 (U.S. May 22, 2009) (No. 08-1457); Northeastern Land Services v. NLRB, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. August 18, 2009) (No. 09-213). But see Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed sub nom. NLRB v. Laurel Baye Healthcare of Lake Lanier, Inc., __U.S.L.W.__ (U.S. September 29, 2009)(No. 09-377).

The Board has reviewed the record in light of the Employer's exceptions and brief, has adopted the Acting Regional Director's findings and recommendations, and finds that a certification of representative should be issued.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been casts for the Michigan Nurses Association, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time RNs in the following job classifications: all Hospice Residence RNs, Home Health Coordinator/Liaison RNs, Hospice Utilization Review RNs, Telehealth RNs, OASIS Coordinators, Charge RNs, Educator RNs, Field RNs, Intake RNs, Private Duty RNs and all Relief Field RNs, Relief Intake RNs, Relief Hospice Residence RNs, and Relief Private Duty RNs who have worked an average of 4 or more hours per week in the Quarter prior to the May 9, 2009, eligibility date, employed by the Employer at and from out of its 888 Terrace Street, Muskegon, Michigan facility; BUT EXCLUDING, Utilization Review RNs, casual employees, student nurses, guards and supervisors as defined in the Act, and all other employees.

Dated, Washington, D.C., October 23, 2009.

Wilma B. Liebman,	Chairman
Peter C. Schaumber,	Member
NATIONAL LABOR RELA	TIONS BOARD

(SEAL)